

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOSEPH RICHARDSON,

Plaintiff,

v.

FIDELITY & GUARANTY LIFE
INSURANCE COMPANY,

Defendant.

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C.A. No. 5:17-cv-01081

**FIDELITY & GUARANTY LIFE INSURANCE COMPANY'S
INDEX OF STATE COURT DOCUMENTS**

| | State Court Document | Date Filed |
|----|---|-------------------|
| 1. | Bexar County Docket Sheet | N/A |
| 2. | Plaintiff's Original Petition and Civil Case Information Sheet | 08/17/2017 |
| 3. | Citation Service Request | 08/17/2017 |
| 4. | Citation | 08/23/2017 |
| 5. | Citation Return | 08/30/2017 |
| 6. | Defendant's Original Answer | 09/12/2017 |
| 7. | Request of Certified Copies of File | 10/18/2017 |
| 8. | Letter to Clerk regarding Fee for Certified Copies | 10/23/2017 |

EXHIBIT D

Dated: October 25, 2017

Respectfully submitted,

By: /s/ Andrew G. Jubinsky

Andrew G. Jubinsky

Texas Bar No. 11043000

andy.jubinsky@figdav.com

Charles M. Gearing

Texas Bar No. 24069774

charles.gearing@figdav.com

FIGARI + DAVENPORT, L.L.P.

901 Main Street, Suite 3400

Dallas, Texas 75202

Telephone: (214) 939-2000

Facsimile: (214) 939-2090

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on October 25, 2017.

Via CMRRR:

Darby Riley

darbyriley@rileylawfirm.com

Riley & Riley Attorneys at Law

320 Lexington Avenue

San Antonio, Texas 78215-1913

/s/ Andrew G. Jubinsky

Andrew G. Jubinsky

GERARD C. RICKHOFF



DONNA KAY MCKINNEY

COUNTY CLERK & DISTRICT CLERK
COURT RECORDS SEARCH

Case #2017CV04510

Name: JOSEPH RICHARDSON

Date Filed : 08/17/2017

Case Status : PENDING

Litigant Type : PLAINTIFF

Court : 010

Docket Type : DEBT/CONTRACT-OTHER

Business Name :

Style : JOSEPH RICHARDSON

Style (2) : vs FIDELITY AND GUARANTY LIFE INSURANCE CO

Case History

Currently viewing 1 through 8 of 8 records

| Sequence | Date Filed | Description |
|----------|------------|---|
| P00007 | 10/24/2017 | MAILED COPIES TO: FIGARI DAVENPORT ATTN DEANNA WADDELL 901 MAIN STREET STE 3400 DALLAS TEXAS 75202-3776 CERTIFIED COPY OF FILE |
| P00006 | 10/23/2017 | REQUEST LETTER TO CLERK RE FEE FOR CERT COPIES |
| P00005 | 10/18/2017 | REQUEST REQUEST OF CERTIFIED COPIES OF FILE |
| P00004 | 9/12/2017 | ANSWER TO ORIGINAL PETITION FIDELITY & GUARANTY LIFE INSURANCE CO (2 PAGES) |
| S00001 | 8/23/2017 | CITATION FIDELITY & GUARANTY LIFE INSURANCE CO ISSUED: 8/23/2017 RECEIVED: 8/23/2017 EXECUTED: 8/24/2017 RETURNED: 8/30/2017 |
| P00003 | 8/17/2017 | REQUEST CITATION SERVICE REQUEST |
| P00002 | 8/17/2017 | CIVIL CASE INFORMATION SHEET |
| P00001 | 8/17/2017 | PLAINTIFF ORIGINAL PETITION |

CIVIL CASE INFORMATION SHEET

CC# 10

CAUSE NUMBER (FOR CLERK USE ONLY): 2017CV04510

COURT (FOR CLERK USE ONLY):

STYLED Joseph Richardson v Fidelity & Guaranty Life Insurance Co.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

| 1. Contact information for person completing case information sheet: Name: Darby Riley Email: darbyriley@rileylawfirm.com Address: 320 Lexington Avenue City/State/Zip: San Antonio, Texas 78215 Telephone: 210-225-7236 Fax: 210-227-7907 Signature: <i>Darby Riley</i> State Bar No: 16924400 | | Names of parties in case: Plaintiff(s)/Petitioner(s): Joseph Richardson Defendant(s)/Respondent(s): Fidelity & Guaranty Life Insurance Co. [Attach additional page as necessary to list all parties] | | Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | |
|---|---|--|--|---|--|-------|--|------------|--|---|---|---|--|---|--|---|--|--|--|--|---|--|--|--|
| 2. Indicate case type, or identify the most important issue in the case (select only 1): | | <table border="1"> <tr> <th colspan="2">Civil</th> <th colspan="2">Family Law</th> </tr> <tr> <td> Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input checked="" type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: </td> <td> Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage: </td> <td> Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: </td> <td> Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: </td> <td> Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: </td> </tr> <tr> <td> Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: </td> <td colspan="2"> Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: </td> <td colspan="2"></td> </tr> <tr> <td> Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input 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| Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax | Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Indicate procedure or remedy, if applicable (may select more than 1): | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action | | <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment | | <input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover | | | | | | | | | | | | | | | | | | | | |
| 4. Indicate damages sought (do not select if it is a family law case): | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000 | | | | | | | | | | | | | | | | | | | | | | | | |

Rev 2/13

EXHIBIT 2

E-FILED
 Bexar County, County Clerk
 Gerard Rickhoff
 Accepted Date: [8/18/2017 11:48 AM
 Accepted By: Aurora Bayardo
/s/ Aurora Bayardo
 Deputy Clerk

2017CV04510

NO. _____

JOSEPH RICHARDSON,

Plaintiff

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IN THE COUNTY COURT

V.

AT LAW NO. CC# 10FIDELITY & GUARANTY LIFE
INSURANCE CO.,

Defendant

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JOSEPH RICHARDSON, hereinafter called Plaintiff, complaining of and about FIDELITY & GUARANTY LIFE INSURANCE CO., hereinafter called Defendant, and for cause of action show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted pursuant to a Level 3 Discovery Control Plan.

PARTIES AND SERVICE

2. Plaintiff, JOSEPH RICHARDSON, is an individual residing in Bexar County, Texas.

3. Defendant, FIDELITY & GUARANTY LIFE INSURANCE CO., is an insurance company authorized to do business in Texas; it may be served by serving its agent for service, National Corporate Research, Ltd., 1601 Elm Street, Suite 4360, Dallas, Dallas County, Texas 75201-4701.

4. In or about 2009, Plaintiff moved an existing life insurance policy on his own life, issued by Farmers New World Life Insurance Company, with a cash surrender value estimated at \$30,000, to Defendant. Plaintiff moved the policy to Defendant based on

representations from Defendant's agents, Samantha Santmyer of the Janson Dixon agency in Dallas, that Plaintiff could borrow or withdraw against his cash value without charge, and that he would receive a 2% higher return on his cash value than the Farmers policy. The new policy number issued by Defendant was L0797805. Thereafter, Plaintiff withdrew \$10,000 against the cash value. Plaintiff paid monthly premiums by bank draft.

5. Thereafter, Plaintiff never received a new life policy from Defendant. Plaintiff ceased paying premiums and allowed the life insurance coverage to lapse. However, although he inquired with Defendant, Plaintiff never received his cash value balance from Defendant, estimated at \$20,000.

6. In June 2017, Plaintiff received a letter from Defendant stating that the "loan and withdrawal calculation method used on your indexed universal life insurance policy was incorrect. As a result, the surrender value at the time of your policy was surrendered or lapsed, as applicable, was incorrect." At about the same time, Plaintiff received a check in the amount of \$53,78 designated as "policy suspense." A true copy of the check is attached to and incorporated herein by reference, marked Exhibit A.

7. On July 11, 2017, Plaintiff sent a demand for a complete accounting of the policy in question and for other information. The company has failed and refused to provide such information.

8. On information and belief, Plaintiff contends that Defendant has violated the terms of the life insurance policy by retaining the cash value after the policy lapsed or was surrendered. Plaintiff seeks a full accounting and a determination of his damages as well as reasonable and necessary attorney's fees in pursuing this matter.

REQUEST FOR DISCLOSURE

9. Pursuant to Rules 194 and 190 of the Texas Rules of Civil Procedure, you are requested to disclose, within (50) days of service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

RULE 193.7 NOTICE

10. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives notice that all documents produced by any party to this case will be used at any pretrial proceeding or at the trial of this matter.

11. As required by Rule 47, T.R.C.P., Plaintiff states that he seeks monetary relief less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees. However, Plaintiff leaves the determination of the amount that will fairly compensate him for his damages to the sound discretion of the jury.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, JOSEPH RICHARDSON, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause; for judgment as set forth above; for reasonable attorney's fees and costs of Court; and for such other and further relief in law or equity to which he may show himself justly entitled.

Respectfully submitted,

RILEY & RILEY
ATTORNEYS AT LAW

By: _____



Darby Riley
Texas Bar No. 16924400
320 Lexington Avenue
San Antonio, Texas 78215-1913
(210) 225-7236 (telephone)
(210) 227-7907 (facsimile)
darbyriley@rileylawfirm.com

ATTORNEYS FOR PLAINTIFF

| | | | | No. 6143299 RG00 | |
|------------|-----------|--------------------------|--|------------------|-----|
| DATE | ACCT. NO. | DESCRIPTION | | DR. | CR. |
| 06/12/2017 | 220010 | POLICY SUSPENSE L0797805 | | 53.78 | |

Please retain this portion for your records

Fidelity & Guaranty Life Insurance Company PO Box 81497 Lincoln, NE 68501

THE FACE OF THIS DOCUMENT HAS A GREEN BACKGROUND-NOT A WHITE BACKGROUND, A TRUE WATERMARK AND VISIBLE FIBERS

Fidelity & Guaranty Life Insurance Company
P.O. Box 81497 Lincoln, NE 68501-1497

JPMorgan Chase Bank, N.A.
Columbus, OH

No. 6143299

56-1544

441

Void if Not Cashed Within 60 Days

Date: June 12, 2017

\$53.78

Pay: Fifty Three and 78/100

Dollars

To The
Order Of JOSEPH R RICHARDSON
16115 CHASE HILL BLVD
SAN ANTONIO, TX 78225

Clare M. Amide
Authorized Signature

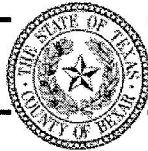
⑈6143299⑈ ⑈044115443⑈

730133170⑈

EXHIBIT A

Gerard Rickhoff

COUNTY CLERK



BEXAR COUNTY

BEXAR COUNTY COURT HOUSE
SAN ANTONIO, TEXAS 78205

CITATION SERVICE REQUEST

CASE NO.: 2017CV04510

PLAINTIFF Joseph Richardson

DATE 08/17/17

VS.

DEFENDANT Fidelity & Guaranty Life Insurance Co.

PLEASE LIST NAME, ADDRESS AND SERVICE TYPE FOR EACH DEFENDANT.

CITATION:

1. NAME: Fidelity & Guaranty Life Insurance Co.

ADDRESS: National Corporate Research, Ltd., 1601 Elm Street, Suite 4360, Dallas, Dallas County, Texas 75201-4701

- A. ☒ PRIVATE PROCESS
- B. ☐ SHERIFF
- C. ☐ CERTIFIED MAIL
- D. ☐ OUT OF COUNTY
- E. ☐ MAIL TO ATTORNEY

CITATION:

2. NAME: _____

ADDRESS: _____

- A. ☐ PRIVATE PROCESS
- B. ☐ SHERIFF
- C. ☐ CERTIFIED MAIL
- D. ☐ OUT OF COUNTY
- E. ☐ MAIL TO ATTORNEY

CITATION:

3. NAME: _____

ADDRESS: _____

- A. ☐ PRIVATE PROCESS
- B. ☐ SHERIFF
- C. ☐ CERTIFIED MAIL
- D. ☐ OUT OF COUNTY
- E. ☐ MAIL TO ATTORNEY

"The State of Texas"

NO. 2017CV04510JOSEPH RICHARDSONPlaintiff
vs.

IN THE COUNTY COURT AT

LAW NO. 10FIDELITY AND GUARANTY LIFE INSURANCE CO

Defendant

BEXAR COUNTY, TEXAS

NOTICE

Citation Directed to: FIDELITY & GUARANTY LIFE INSURANCE CO
 NATIONAL CORPORATE RESEARCH LTD
 1601 ELM STREET SUITE 4360
 DALLAS, TX 75201-4701

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 17TH day of August, 2017.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 23RD DAY OF August A.D., 2017.

DARBY RILEY

Attorney/PLAINTIFF

address 320 LEXINGTON AVE
 SAN ANTONIO, TX 78215-1913



GERARD RICKHOFF

County Clerk of Bexar County, Texas
 Bexar County Courthouse
 100 Dolorosa Suite 104
 San Antonio, Texas 78205

By: [Signature] Deputy
 ALLISON HUMES

OFFICER'S RETURN

Came to hand day of , A.D. , at o'clock M.
 and executed the day of , A.D. , in
 at o'clock M. by delivering to
 in person a true copy of this citation together with the accompanying copy of plaintiff's
 petition. Served at

I traveled miles in the execution of this citation. fees: Serving citation
 \$ Mileage Total \$

 County, Texas
 By

The State of Texas

NON - PEACE OFFICER VERIFICATION
 VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this day of ,



2017CV04510
 (DKC001)

NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT 4

FILE COPY

PRIVATE PROCESS

FILED IN MY OFFICE
GERARD RICKHOFF
COUNTY CLERK BEXAR CO.

"The State of Texas"

NO. 2017CV04510

2017 AUG 30 AM 11:53

JOSEPH RICHARDSON

Plaintiff
vs.

IN THE COUNTY COURT AT

LAW NO. 10

FIDELITY AND GUARANTY LIFE INSURANCE CO

Defendant

BEXAR COUNTY, TEXAS

NOTICE

Citation Directed to: FIDELITY & GUARANTY LIFE INSURANCE CO
NATIONAL CORPORATE RESEARCH LTD
1601 ELM STREET SUITE 4360
DALLAS, TX 75201-4701

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ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 23RD DAY OF August A.D., 2017.

DARBY RILEY

Attorney/PLAINTIFF

address 320 LEXINGTON AVE
SAN ANTONIO, TX 78215-1913



GERARD RICKHOFF

County Clerk of Bexar County, Texas

Bexar County Courthouse

100 Dolorosa Suite 104

San Antonio, Texas 78205

By: [Signature] Deputy
ALLISON HUMES

OFFICER'S RETURN

Came to hand day of , A.D. , at o'clock M.
and executed the day of , A.D. , in
at o'clock M. by delivering to
in person a true copy of this citation together with the accompanying copy of plaintiff's
petition. Served at

I traveled miles in the execution of this citation. fees: Serving citation
\$ Mileage Total \$

**AFFIDAVIT
ATTACHED**

The State of Texas

By County, Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this day of ,

EXHIBIT 5



2017CV04510

CAUSE NO. 2017CV04510

JOSEPH RICHARDSON

IN THE COUNTY COURT

VS

AT LAW NO. 10

FIDELITY & GUARANTY LIFE
INSURANCE CO.

BEXAR COUNTY, TEXAS

AFFIDAVIT OF SERVICE

Came to hand: AUGUST 23, 2017, at 5:10 PM

X CITATION, PLAINTIFF'S ORIGINAL PETITION

The above documents to be delivered to: **FIDELITY & GUARANTY LIFE INSURANCE CO.
NATIONAL CORPORATION RESEARCH LTD
1601 ELM STREET, STE 4360, DALLAS, TX 75201**

I, MITCHELL DRAEGER, the undersigned, being duly sworn, depose and say, that I am duly authorized to make delivery of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter.

Executed on: AUGUST 24, 2017, at 11:00 AM.

Executed at: 1601 ELM STREET, STE 4360, DALLAS, TX 75201, within the county of DALLAS, Served on FIDELITY & GUARANTY LIFE INSURANCE CO. by serving its registered agent NATIONAL CORPORATION RESEARCH LTD., by delivering to RODNEY WALLER, SOP INTAKE in person a true copy of the above specified civil process having first endorsed on such copy the date of delivery.

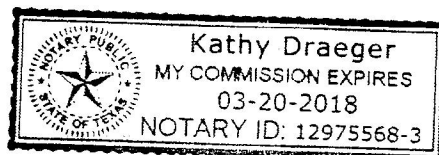
"I declare under penalties of perjury that the information contained herein is true and correct"

Signature

PS#: SCH 7995
Exp: 12/31/2019

Subscribed and sworn to before me, a notary public on August 25, 2017

Notary Public in and of the State of Texas



2017CV04510

CAUSE NO. 2017CV04510

E-FILED
 Bexar County, County Clerk
 Gerard Rickhoff
 Accepted Date: 9/12/2017 1:25 PM
 Accepted By: Justin Longoria
/s/ Justin Longoria
 Deputy Clerk

JOSEPH RICHARDSON,

Plaintiff,

v.

FIDELITY & GUARANTY LIFE
INSURANCE CO.,

Defendant.

§
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§

IN THE COUNTY COURT

AT LAW NO. CC#10

BEXAR COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

Defendant files its original answer, and states:

I. GENERAL DENIAL

1. Subject to such admissions and stipulations as may be made at or before time of trial, Defendant denies generally and specially the material allegations in Plaintiff's Original Petition, pursuant to Tex. R. Civ. P. 92, and demands strict proof thereof in accordance with the requirements of the laws of this state.

II. AFFIRMATIVE DEFENSE

2. Plaintiff's claims are barred, in whole or in part, by the statute of limitations.

III. PRAYER

3. Defendant requests the following relief:

- (a) That Plaintiff take nothing by reason of his suit;
- (b) That Defendant be dismissed with its costs; and
- (c) That Defendant have such other and further relief, both general and special, at law and in

equity, to which it may show itself justly entitled.

Dated: September 12, 2017

Respectfully submitted,

By: /s/ Andrew G. Jubinsky

Andrew G. Jubinsky
Texas Bar No. 11043000
andy.jubinsky@figdav.com
Charles M. Gearing
Texas Bar No. 24069774
charles.gearing@figdav.com

FIGARI + DAVENPORT, L.L.P.
901 Main Street, Suite 3400
Dallas, Texas 75202
Telephone: (214) 939-2000
Facsimile: (214) 939-2090

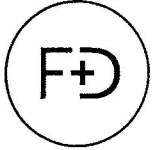
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

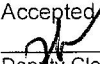
This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on September 12, 2017.

Darby Riley
Riley & Riley
320 Lexington Avenue
San Antonio, Texas 78215
(210) 225-7236 (telephone)
(210) 227-7907 (facsimile)
darbyriley@rileylawfirm.com
Attorney for Plaintiff

/s/ Andrew G. Jubinsky
Andrew G. Jubinsky



2017CV04510

E-FILED
Bexar County, County Clerk
Gerard Rickhoff
Accepted Date: 10/18/2017 4:19 PM
Accepted By: Tammie Lerma

Deputy Clerk

deanna.waddell@figdav.com
214-939-2029

October 18, 2017

Via E-File

Bexar County Clerk
100 Dolorosa
San Antonio, Texas, 78205

Re: Cause No. 2017CV04510; Joseph Richardson v. Fidelity & Guaranty Life Insurance Co.; County Court Law No. 10, Bexar County, Texas

Dear Clerk:

Please provide me a copy of the entire file for Cause No. 2017CV04510 as soon as possible. Please contact me at 214-939-2029 regarding the copy fee.

Thank you for your assistance in this matter.

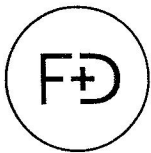
Sincerely,

/s/ Deanna Waddell


Deanna Waddell
Paralegal

\$14 pgs
+ \$5 cert

\$21



2017CV04510

E-FILED
Bexar County, County Clerk
Gerard Rickhoff
Accepted Date: 10/23/2017 12:59 PM
Accepted By: Tammie Lerma

Deputy Clerk

deanna.waddell@figdav.com
214-939-2029

October 23, 2017

Via E-File

Bexar County Clerk
100 Dolorosa
San Antonio, Texas 78205

Re: Cause No. 2017CV04510; Joseph Richardson v. Fidelity & Guaranty Life Insurance Co.; County Court Law No. 10, Bexar County, Texas

Dear Clerk:

Per my telephone conversation with your office, the fees to obtain a copy of the referenced file were paid with the filing of this letter (*total pages 16, \$1.00 per page, \$16.00 + \$5.00 certification fee*). Please forward the copies to Figari + Davenport, LLP, Attn: Deanna, 901 Main Street, Suite 3400, Dallas, Texas 75202-3776 as soon as possible.

Please contact me at 214-939-2029 should you have questions or concerns. Thank you for your assistance in this matter.

Sincerely,

/s/ Deanna Waddell

Deanna Waddell
Paralegal

MAILED 10/24/17
BORIS R.

EXHIBIT 8